

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts  
Southern District of Texas  
FILED

August 13, 2020

David J. Bradley, Clerk of Court

United States of America

v.

Gustave MAREZ, Rigoberto Lara,  
Anthony Tyron JIMERSON, and  
James David JIMERSONCase No. **4:20mj1455**

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 12, 2020 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

21 USC Section 846, 841(a)(1),  
(b)(1)(A)(ii), and (b)(1)(A)(viii)

## Offense Description

Knowingly, intentionally, and unlawfully possess with intent to distribute over  
5 kilograms of cocaine and over 500 grams of methamphetamine; and  
conspiracy to possess with the intent to distribute over 5 kilograms of cocaine  
and over 500 grams of methamphetamine, Schedule II controlled  
substances.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.

Complainant's signature

Todd L. Neilon, DEA Task Force Officer

Printed name and title

Sworn to telephonically.

Date: 08/13/2020City and state: Houston, Texas

Judge's signature

Peter Bray, U.S. Magistrate Judge

Printed name and title

**Attachment "A"**

Affiant, Todd L. Neilon, Task Force Officer with the Drug Enforcement Administration, United States Department of Justice, being duly sworn does depose and state the following.

1. Affiant is a Task Force Officer with the Drug Enforcement Administration, assigned to the Houston Field Division, Enforcement Group D-25, since April 2018. Affiant has been a peace officer in the State of Texas for nineteen (20) years and is currently employed by the Pasadena Police Department. Your affiant has received specialized training in controlled substance violations, including but not limited to Title 21 of the United States Code. That affiant is familiar with investigations involving the transportation, storage and distribution of controlled substances.
2. This affidavit is in support of a complaint, charging Gustavo MAREZ (hereinafter "MAREZ"), Rigoberto LARA (hereinafter "LARA"), ANTHONY Tyron JIMERSON (hereinafter "ANTHONY") and James David JIMERSON Jr. (hereinafter "JAMES"), with a violation of Title 21, United States Code Sections 841 and 846, Possession with intent to Distribute Cocaine, Possession with intent to Distribute Methamphetamine and Conspiracy to Possess with intent to Distribute Cocaine and Methamphetamine. Affiant learned of the following information from personal observation and an ongoing investigation, as well as from information given to the affiant during this investigation and interviews of the suspects in this case.
3. In September of 2018, members of the DEA Houston Field Division and the Pasadena Narcotics Task Force began an investigation into the Rigoberto LARA drug trafficking organization, hereafter LARA DTO. DEA Task Force Officer Todd Neilon received information from a credible and reliable confidential source that the LARA DTO was trafficking cocaine, methamphetamine, heroin and marijuana in and around the Houston, Harris County region, as well as to Chicago and states unknown to your affiant. The source also stated that the proceeds from the illicit narcotics were travelling south back into Mexico. This investigation has been ongoing and has resulted in several narcotics seizures and identification of numerous members of the LARA DTO. Through the course of the investigation agents learned and confirmed that LARA and MAREZ work together at a shop called Unlimited Kustomz located at 12212 Cypress North Houston, Cypress, Texas. It was also learned through the investigation and information from the confidential source that LARA and MAREZ both work together in the trafficking of various illegal narcotics from the Unlimited Kustomz business.
4. On August 12, 2020, TFO Neilon received information from a source that there was possibly a large quantity of cocaine inside LARA's and MAREZ's business located at 12212 Cypress North Houston, Rd Suite#3 Cypress, Harris County, Texas. Members of the DEA Houston Field Division Enforcement Group D-25 and the Pasadena Narcotics Task Force established surveillance at the location at approximately 1230 hours.
5. At approximately 1245 hours, Houston Police Officer P. McIntyre observed a silver Dodge 4-Door Pickup pulled up to the business, which was occupied by two black males, who exited the vehicle and walked into the large bay door of the shop. A short time later Officer

McIntyre noticed the truck was no longer parked in front of the business and the bay door was closed. It should be noted that during the course of this investigation the large bay door of the shop is never closed during normal business hours. Officer McIntyre stated that he did not observe the Dodge pickup leave the business, but it was no longer parked in front of the bay door where he initially observed it.

6. TFO Jeff Schillinger established a static surveillance location where he was able to observe the front door and bay door of the shop and all traffic coming and going from the business. At approximately 1330 hours, TFO Schillinger observed the large bay door open and stated he could not see into the bay area due to his angle and shadows inside the shop. TFO Neilon drove by the front of the business and observed the silver Dodge pickup that Office McIntyre had originally seen parked outside the shop, parked in the large open bay of the shop.
7. At approximately 1340 hours, the Dodge pickup backed out of the bay and departed the business with two black male occupants. TFO Christopher Cayton and Special Agent Jason Havemann followed the Dodge pickup eastbound on Cypress North Houston Rd, until Houston Police Officer Eric Garza conducted a traffic stop for obscured license plate and obscured drivers view. Officer Garza made contact with the driver of the Dodge, who was identified by Texas Driver's license as JAMES David Jimerson Jr. Officer Garza observed JAMES to be extremely nervous, beyond what the normal motoring public exhibits during a traffic stop. Officer Garza stated that JAMES was evasive during questions about his trip to Houston and his purpose for being in Houston from Canton, Texas.
8. The passenger of the Dodge was identified by Texas Driver's license also and showed to be ANTHONY Jimerson, who is the brother of JAMES, the driver. ANTHONY was also very evasive during the roadside interview and continually kept stating that he has gout and just wanted to get his medication.
9. Officer Garza asked JAMES if there was anything illegal in the vehicle, at which time Officer Garza noticed JAMES begin to lean on the truck to steady himself and looked towards the ground with a defeated body posture. Based on the suspicious circumstances and level of nervousness of the occupants of the vehicle, Officer Garza asked JAMES for consent to search the truck and he refused. Officer Garza then had K-9 Officer Gillham and his partner Yukon who is a certified narcotics K-9, conduct a free air sniff of the exterior of the vehicle. K-9 Yukon gave a positive alert for the presence of the odor of narcotics on several areas of the vehicle.
10. Officer Garza then conducted a probable cause search of the vehicle based on the positive K-9 alert. During the search of the vehicle, Officer Garza located an orange Nike duffel bag on the rear seat floorboard, which contained two cardboard boxes. Officer Garza unzipped the duffel bag and immediately smelled a strong chemical odor, which from his training and experience he believed to be the odor of cocaine. Upon inspection of the cardboard boxes, Officer Garza observed several bundles wrapped in tape of what he believed to be illegal narcotics. Also inside one of the cardboard boxes was a large Tupperware container, which contained a clear crystal substance which he believed to be methamphetamine. Officer Gillham also located a large bundle of marijuana on the rear driver's side floorboard which was concealed in a large black trash bag. The bundle of

marijuana was wrapped in green plastic wrap and upon cutting open a small section, a green leafy substance was observed inside. The narcotics were transported to the DEA Houston Field Division by Special Agent Jason Havemann, where they were processed and field tested. The six bundles located in the cardboard box showed a positive result for cocaine and the crystal substance showed a positive test for methamphetamine. The total weight of the cocaine was 6.7 kilograms. The total weight for the methamphetamine was 1.08 kilograms and the weight of the marijuana was approximately 22 pounds.

11. Several members of the surveillance team remained at the business located at 12212 Cypress North Houston Rd while the traffic stop was being conducted. Shortly after the Dodge truck departed the business, a green Lincoln MKZ SUV arrived at the shop and pulled into the open bay door of the shop. Your affiant is familiar with this vehicle from previous surveillance operations during the investigation and knows it to belong to Gustavo and Nancy Marez. This vehicle is typically operated by Nancy Marez, but has never been observed pulling into the shop while Nancy is at the location. The vehicle remained inside the shop for a brief period of time and then was driven back out into the parking area.
12. Several members of the Pasadena Narcotics Task Force and Houston Field Division Enforcement Group D-25 approached the shop and made contact with all the occupants of the shop. LARA and MAREZ were both contacted in an office area and were identified by TFO Neilon. TFO Neilon made contact with MAREZ and advised him of the traffic stop that had been conducted and that surveillance had been watching the shop for several hours. TFO Neilon asked MAREZ for written consent to search the business and explained the form to him. MAREZ freely signed the consent to search for the business, as witnessed by Detective C. Sweet of the Pasadena Narcotics Task Force.
13. During the search of the business additional narcotics were located throughout the workspace, office area and a concealed opening was located on the east wall of the open bay, which was being concealed by two large metal shelves which had wheels on the bottom. A search of the adjoining space revealed more narcotics and several items belonging to the Unlimited Kustoms business. MAREZ stated that the adjoining space was also his and he used it for storage mostly. The narcotics from the shop was transported to the DEA Houston Field Division office, where it was field tested and processed for evidence. The total weight of the suspected cocaine found at the business was 4.8 kilograms, which field tested positive for cocaine. The total weight of the crystal substance found inside the shop was 2 kilograms and showed a positive result for methamphetamine. Also located in the open work area of the shop was a large bundle of marijuana weighing approximately 22 pounds. It should be noted that the inside of the business is a large open area and workspace. There is an office area located on the west side of the large bay, but it does not have a door and is open to the rest of the shop.
14. TFO Neilon contacted Nancy MAREZ and asked her for consent to search her vehicle which had previously been inside the shop. Nancy gave verbal consent to TFO Neilon as witnessed by Agent Todd Ferner to search her vehicle. Nancy advised that the keys were inside her vehicle and it was unlocked. Houston Police K-9 Officer Martinez and her partner Frida conducted a free air sniff of the exterior of the vehicle and received a positive alert for the presence of the odor of narcotics along the driver's side of the vehicle.

15. TFO Neilon conducted a search of the vehicle and upon opening the rear driver's side door observed a medium sized brown duffel bag. TFO Neilon unzipped the brown duffel bag and found it to contain a large amount of U.S. Currency. The money was bundled with rubber bands in a manner consistent with proceeds from the sales of illegal narcotics and was of assorted denominations. The U.S. Currency was transported to the DEA Houston Field Division by TFO Neilon, where it was logged into the high value vault for safekeeping.
16. TFO Neilon and Special Agent Kedwin Polanco had MAREZ, LARA, JAMES, and ANTHONY transported to the DEA Houston Field Division for processing and interviews. Below is a brief synopsis of each individual's interview.
17. TFO Neilon and Special Agent Polanco read MAREZ his Miranda rights and he agreed to speak with Officers/Agents. MAREZ stated that he knew one or both of the JIMERSON brothers through a mutual friend. MAREZ stated that both JIMERSON brothers had been purchasing marijuana and methamphetamine from him at the shop for approximately two months. MAREZ advised that today they had purchased six (6) kilograms of cocaine for \$35,000.00 per kilogram and that they purchased one (1) kilogram of methamphetamine for \$8500 per kilogram. MAREZ stated that the marijuana was just given to the brothers and that they did not pay for that. MAREZ was not willing to speak about any other events other than what took place on today's date.
18. TFO Neilon and Special Agent Polanco read ANTHONY his Miranda rights and he also agreed to speak with Officers/Agents. ANTHONY stated that he and his brother met MAREZ through his cellmate from federal prison. Anthony said that MAREZ had contacted him two months ago and told him if they ever needed "anything" he could get it for them. ANTHONY said that on one previous occasion he had purchased a few pounds of marijuana from MAREZ and LARA at the shop. ANTHONY stated that the transaction today was mostly his brothers and that he only sold a little marijuana.



19. TFO Neilon and Special Agent Polanco read LARA and JAMES their Miranda rights separately, but both requested to have a lawyer present before answering questions. The interviews of LARA and JAMES were terminated at that time.



Todd Neilon  
Task Force Officer  
Drug Enforcement Administration

Subscribed and sworn to telephonically on August 13, 2020, and I hereby find probable cause.



Peter Bray  
United States Magistrate Judge  
Southern District of Texas